

## REMARKS/ARGUMENTS

In Applicant's previous response filed 12/17/2004, Applicant states

Applicant's claimed invention concerns a device that is used to spot solution contained in stacked microplates onto slides positioned at a slide positioning station. The prior art references cited by Examiner do not even remotely discuss this feature. Moreover, there is no basis in the prior art references for their combination.

In response, Examiner states

The instant claims are apparatus claims. Applicant's argument is directed to the intended use of the device. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

In response to Examiner's statement, Applicant has amended all claims so that they are method claims. It is therefore now important for Examiner to consider that the prior art references alone and in combination do not disclose Applicant's method for spotting solution contained in stacked microplates onto slides positioned at a slide positioning station.

### Claim Rejections – 35 USC 103

Examiner has rejected Applicant's claims under 35 USC 103(a). In response, Applicant respectfully submits that all claims should now be allowable for the reasons stated above.

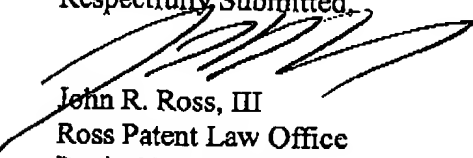
### Allowable Subject Matter

Examiner has indicated that Claim 20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response Applicant has added new Claim 42, which should now be allowable.

### CONCLUSION

Thus, for all the reasons given above, this application, as the claims are presently limited, define a novel, patentable, and truly valuable invention. Hence allowance of all of the outstanding claims of this application is respectfully submitted to be proper and is respectfully solicited.

Respectfully Submitted,



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